

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BRIANNA RENEE WOODHOUSE,
Plaintiff,

v.

**BIRD RIDES, INC., BIRD CO.,
JANE DOES AND JOHN DOES 1-10,
AND XYZ CORPORATIONS 1-10,**
Defendants.

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CIVIL ACTION NO. 5:20-cv-1113

JURY DEMAND

DEFENDANT BIRD RIDES, INC.'S
NOTICE OF REMOVAL

Defendant Bird Rides, Inc. (“Bird Rides”) hereby gives notice that the above-referenced matter pending in the 73rd Judicial District Court of Bexar County, Texas (Cause No. 2020Cl12325) is being removed to Federal Court and files this Notice of Removal to the United States District Court for the Western District of Texas, San Antonio Division pursuant to 28 U.S.C. §§ 1441 and 1446, and as grounds for removal respectfully shows the following:

I.
BACKGROUND

1. On July 8, 2020, Plaintiff Brianna Renee Woodhouse (“Woodhouse”) filed her Original Petition in the 73rd Judicial District Court of Bexar County, Texas, Cause No. 2020Cl12325 (the “State Court Case”), alleging that she was injured when struck by a Bird Rides scooter.
2. Copies of the pleadings filed in the State Court Case, prior to this Notice of Removal, are attached hereto and incorporated herein for all purposes.
3. On August 26, 2020, Defendant Bird Rides received a copy of Plaintiff’s Original Petition.

4. Bird Rides files this Notice of Removal within the 30-day time period required by 28 U.S.C. §§ 1446(b)(1). *Bd. Of Regents of Univ. of Tex. Sys v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

II. BASIS FOR REMOVAL

5. This court has original jurisdiction under 28 U.S.C. § 1332 over the civil action, and the action may be removed by Defendant Bird Rides pursuant to 28 U.S.C. § 1441(a), in that it is a civil action between citizens of different states, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. 28 U.S.C. § 1332(a), 1446(c)(2)(B).

6. Minimum Diversity – Removal is proper because there is complete diversity between the parties. Plaintiff names Bird Rides and Bird Co. as Defendants. Plaintiff is a Texas resident. Bird Rides is a Delaware corporation with its principal place of business in Santa Monica, California. "Bird Co." is not an entity associated with Bird Rides, and, on information and belief, Plaintiff misidentified "Bird Co." as a defendant while naming Bird Rides. Plaintiff has not requested a separate service of citation on "Bird Co.", which is identified as a California corporation.

7. Plaintiff additionally names Jane Does and John Does 1-10, and XYZ Corporations 1-10, as Defendants. The citizenship of a defendant sued under a fictitious name can be disregarded for purposes of determining diversity jurisdiction. 28 U.S.C. § 1441(b)(1); *Doleac v. Michalson*, 264 F.3d 470, 475 (5th Cir.2001). Accordingly, Plaintiff is not from the same state as any Defendant, fully satisfying the requirements of 28 U.S.C. § 1332(a).

8. Amount in Controversy – Plaintiff's Original Petition seeks monetary relief in an amount in excess of \$200,000.00, but not more than \$1,000,000.00.

9. Proper Court – Venue is proper in this District pursuant to 28 U.S.C. § 1446(a) because this District and Division embrace the place in which the removed action was pending.

10. Pleadings and Process – Pursuant to 28 U.S.C. § 1446(a), all pleadings, process, orders, and all other filings in the State Court Case are attached to this this Notice. The Exhibits attached to this Notice of Removal, are as follows:

Exhibit A	Civil Docket Sheet from State Court
Exhibit B	Plaintiff's Original Petition
Exhibit C	Issuance of Citation to Bird Rides, Inc.
Exhibit D	Motion to Substitute Attorney and Proposed Order

11. Following the filing of this Notice with this Court, written notice of the filing of same will be provided to Plaintiff's counsel, as required by law.

12. Following the filing of this Notice with this Court, a true and correct copy of this Notice will be filed with the 73rd Judicial District Court of Bexar County, Texas, as required by law.

13. Bird Rides reserves all of its rights and defenses, including without limitation those rights and defenses pursuant to Federal Rule of Civil Procedure 12.

III. **JURY DEMAND**

14. Plaintiff filed a request for jury demand in the state-court suit.

IV. **CONCLUSION**

15. Because there is complete diversity among the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

16. On these grounds, Bird Rides hereby requests the removal of the referenced State Court Case to this Court.

Respectfully submitted,

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By: /s/ Marc A. Young
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**ATTORNEYS FOR DEFENDANT
BIRD RIDES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing by email to the following counsel of record on the 18th day of September, 2020.

ATTORNEYS FOR PLAINTIFF

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